

****NOT FOR PRINTED PUBLICATION****

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

LIONELL WEST	§	
VS.	§	CIVIL ACTION NO. 9:17-CV-158
OFFICER LISA BROWN, ET AL.	§	

ORDER ACCEPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Lionell West, a prisoner previously confined at the Polunsky Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Officer Lisa Brown and unidentified defendants.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends denying defendant Brown's motion to dismiss for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties. Plaintiff filed a notice agreeing with the Magistrate Judge's recommendation.

****NOT FOR PRINTED PUBLICATION****

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report and recommendation of the Magistrate Judge (document no. 36) is **ACCEPTED**. Defendant Brown's motion to dismiss (document no. 32) is **DENIED**.

So **ORDERED** and **SIGNED** this **27** day of **May, 2020**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, Senior Judge